

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

CENTRAL VALLEY AG  
COOPERATIVE,

*Plaintiff,*

v.

DANIEL K. LEONARD, SUSAN  
LEONARD, THE BENEFIT GROUP,  
INC., ANASAZI MEDICAL PAYMENT  
SOLUTIONS, INC. d/b/a ADVANCED  
MEDICAL PRICING SOLUTIONS,  
CLAIMS DELEGATE SERVICES, LLC  
and GMS BENEFITS, INC.

*Defendants.*

CIVIL ACTION NO.  
8:17-cv-00379-LSC-CRZ

**ANASAZI MEDICAL PAYMENT  
SOLUTIONS, INC. d/b/a/  
ADVANCED MEDICAL PRICING  
SOLUTIONS AND CLAIMS  
DELEGATE SERVICES, LLC'S  
RULE 54(d) MOTION FOR  
ATTORNEYS' FEES AND  
EXPENSES**

Defendants Anasazi Medical Payment Solutions, Inc. d/b/a/ Advanced Medical Pricing Solutions ("AMPS") and Claims Delegate Services, LLC ("CDS"), in accordance with Fed. R. Civ. P. 54(d), ERISA Section 1132(g), and Nebraska Civil Rules 54.3 and 54.4, respectfully move the Court for an award of their reasonable attorneys' fees and expenses incurred in defending against Plaintiff's claims in this case.

As demonstrated by the record and as set forth in the contemporaneously filed brief and supporting evidence, Plaintiff Central Valley Ag Cooperative ("CVA") forced AMPS and CDS to endure nearly two years of litigation defending against CVA's inflammatory and ever-changing theories of wrongdoing, none of which were borne out by the facts. Instead, as AMPS and CDS have consistently argued (and as this Court agreed in its order granting Defendants' motions for summary judgment), the operative plan documents and agreements and the admissions of CVA's officers completely foreclosed CVA's claims. Having fully

prevailed in this litigation, AMPS and CDS are entitled to an award of their attorneys' fees and expenses because CVA acted with culpability and bad faith in filing and pursuing this lawsuit; it has the ability to satisfy a fee award; a fee award would deter other persons acting under similar circumstances; and the relative merits of the parties' positions overwhelmingly favors an award.

In support of this motion, AMPS and CDS refer the Court to the declarations and evidence submitted by Henry M. Perlowski, Richard P. Jeffries, and Megan P. Mitchell, which are attached to the brief in support of this motion, and the evidence already in the record.

Respectfully submitted this 13th day of September, 2019.

ANASAZI MEDICAL PAYMENT  
SOLUTIONS, INC. d/b/a ADVANCED  
MEDICAL PRICING SOLUTIONS and  
CLAIMS DELEGATE SERVICES, LLC,  
Defendants

By: /s/ Henry M. Perlowski

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of September, 2019, a true and correct copy of the foregoing Rule 54(d) Motion for Attorneys' Fees and Expenses was filed with the Clerk of the Court using the CM/ECF system, which sent notification of said filing to all counsel of record.

/s/ Richard P. Jeffries